

# E 'Specially' DECS

*A weekly email update from the Division of Exceptional Children Services  
to Directors of Special Education on current issues, information and events.*

May 10, 2004 Volume 1, Number 1

## **Question of the Week:**

*What Is Disability Harassment?*

*Is It an IDEA Issue?*

Disability harassment includes abusive jokes, name-calling, threats and bullying by other students or teachers. It can be expressed through verbal acts, as well as through nonverbal behavior, such as graphic and written statements. It includes behavior that is threatening or humiliating. It can extend to and include sexual or physical assault. Much like racial or sexual harassment, it is actionable under the civil rights statutes applicable to people with disabilities, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

Harassment can also be actionable under IDEA if it impairs a student's ability to receive a free appropriate public education (FAPE). The Federal Office of Special Education and Rehabilitative Services (OSERS) notes, "Harassment of a student based on disability may decrease the student's ability to benefit from his or her education and amount to a denial of FAPE." A claim of disability harassment by a student or staff member can provide the basis for a due process hearing or a complaint through Kentucky's Complaint Resolution Procedure.

OSERS notes that schools are required to have a grievance procedure that can be used to address disability harassment. Prompt and effective action to end the harassment and prevent reoccurrence is required. OSERS notes that, "where appropriate, remedying the effects on the student who was harassed" may be required.

\* \* \* \* \*

*The Question of the Week will be an on-going feature of E 'Specially' DECS. If you have a special education question that you believe would be of general interest to other Directors of Special Education, email your suggestion to Sammie Lambert at [slambert@kde.state.ky.us](mailto:slambert@kde.state.ky.us)*

## **STISets IEP Update**

As we head into the month of May, traditionally many school districts conduct a number of annual reviews to revise IEPs. With so many IEP meetings it is inevitable that there will be non-substantive errors such as typos, wrong dates and other clerical issues. The summer release of STISets will give Directors the opportunity to correct errors such as these and automatically log those changes. However, in the short term, DECS has worked with STI to provide a short-term fix that will allow the Director to fix non-substantive IEP errors of this nature now.

This short term fix does not log the changes that are made to the document; therefore, before this fix will be available to districts, an Assurance Statement must be signed and dated by either the Superintendent, the Director of Special Education, or a person designated by them in writing, with the original mailed to Chris Thacker. Mr. Thacker will forward the Assurance Statement to STI who will then contact the district to make the fix available locally along with provide instructions on how the fix works. As part of the Assurance Statement, DECS is requiring that the code for the short-term fix not be shared with anyone else within the district.

If you have additional questions on this matter, please call Mr. Thacker at (502) 564-4738.

## **End of Year Data (Exiting/Discipline)**

This reminder: Recently Directors of Special Education were sent an email that included the instructions and forms for collecting the annual exiting and discipline data for special education. These data are due July 31, 2004 and cover the period of July 1, 2003 through June 30, 2004. You may download this information from the Division of Exceptional Children web page at this link:

[SY 2003-2004 End of Year Special Education Data](#)

If you have questions about the End of the Year Data, please direct them to Chris Thacker.

**Contact Information for E 'Specially' DECS**

- Sammie Lambert at [slambert@kde.state.ky.us](mailto:slambert@kde.state.ky.us) for information on newsletter content.

- Chris Thacker at 502 564-4738 for technical difficulties in receiving E 'Specially' DECS.

\* \* \* \* \*

*Forwarding of E 'Specially' DECS is not only allowed, it is encouraged. Please send to staff in your district who may be able to benefit from this information.*